

REMARKS

Applicants request reconsideration and examination of the above-identified application in view of the Applicants' response to Election/Restriction. The following remarks state the Applicants' bases for making this request and are organized according to the Examiner's action.

The Examiner states that the above-identified application contains claims directed to the following distinct species as shown in certain figures. (We have listed the claims that are deemed by the Examiner to correspond to each species):

Species A: Figure 1; Claims 1, 2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 18-35;

Species B: Figure 1a; Claims 1, 2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 18-35;

Species C: Figure 2; Claims 1, 3, 4, 5, 13, 18-26, 32, 34;

Species D: Figure 3; Claims 1, 3, 4, 5, 18-26, 32;

Species E: Figure 4; Claims 1, 2, 3, 4, 9, 11, 18-26, 32;

Species F: Figure 5; Claims 1, 2, 3, 4, 18-26, 32, 34;

Species G: Figure 6; Claims 1, 13, 18-26, 32, 34;

Species H: Figure 7; Claims 1, 3, 4, 5, 10, 14, 16, 18-26, 32;

Species I: Figure 8; Claims 1, 4, 5, 10, 14, 16, 17-26, 32;

Species J: Figure 9; Claims 1, 4, 5, 10, 14, 15, 18-26, 32;

Species K: Figure 10 and 11; Claims 1, 4, 18-26, 32;

Species L: Figure 12 and 13; Claims 1, 4, 18-26, 32.

The Examiner states that the Species marked A-L are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The Examiner further states that Claims 1, 4, 18-26 and 32 are generic, and upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

The Office Action states that the Applicant is required, in reply to this action, to elected a single species to which the claims shall be restricted if no generic claim is finally held to be allowable.

ELECTION

Applicants elect Species B, Figure 1a, and Claims 1-5, 15-18 and 22-34 for examination which Applicants believe read on Species B. Applicants have revised the Examiner's list of Claims that were deemed to read on Species B which is discussed hereinafter. However, Applicants make the election with traverse on the grounds that Applicants believe that independent Claim 1 is allowable and is a generic claim as noted by the Examiner, and upon which all the other Claims 2-35 depend either directly or indirectly. Further, the dependent claims provide special technical features that define a contribution which each invention makes over the prior art.

TRAVERSE

The office action states that there is no single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, the Species lack the same or corresponding "special technical features" for the following reasons: For various

claimed species, the inventive concept differ in scope where pits, constrictions, flared and cylindrical orientation of the chambers are used in some species and multiple inlets for others. However, Applicants believe that the expression "special technical features" as defined in Rule 13.2 means those technical features that define a contribution which each of the inventions, considered as a whole, make over the prior art, and that the inventions as defined by the dependent claims are linked so as to form a single general inventive concept such as a nozzle arrangement with various shaped chambers as described in the dependent claims and shown in the figures. Therefore, Applicants believe that generic Claim 1 and dependent Claims 2-35 should be examined along with elected Species B.

Further, Applicants make the above election with traverse on the grounds that Fig. 1 shows two embodiments of the shaped chamber and that Claim 3 reads on one of the embodiments illustrated in Fig. 1a. The two embodiments of Fig. 1 are described in the PCT International Publication No. 2005/005055 starting on Page 11, line 13 and continuing on pg. 12 to line 3. A first embodiment shows the chamber 21 comprises an axial inlet 22, an axially aligned outlet 22a at the downstream end of chamber 21. The chamber 21 is shaped to form a double frusto-conical volume with divergent/reconvergent surfaces 24 of the chamber 21. An alternate or second embodiment is illustrated by the dashed lines 24a in Fig. 1a wherein a maximum diameter with a cylindrical surface of any relative length gives a flat-bottomed V or U cross-section. Claim 2 clearly reads on the first embodiment of Fig. 1a, and Claim 3 reads on the second embodiment illustrated by the dashed lines 24a in Fig. 1a. Therefore, Claim 3 should be examined as a member of Species B.

Referring now to Fig. 1a and Fig. 4, Fig. 4 has a chamber 45 with widened parts 46, 47 which may be regarded as deeper V-cross-section grooves. Applicants believe that Claim 2 reads on Fig. 4. The chamber 45 has a first section having divergent walls followed by a second section, downstream from the first section, the second section having convergent walls in a manner similar to that shown in Fig. 1a. Accordingly, the embodiments shown in Fig. 1a and Fig. 4 are both covered by the wording of present Claim 2, and should be treated as part of Species B.

Further in regard to Fig. 4, Claim 5 which reads on Fig. 4, calls for "said shaped chamber comprises a series of sub-chambers connected between the at least one inlet orifice and at least one outlet orifice, constructions therebetween having a greater cross-sectioned area than the or each inlet orifice and the or each outlet orifice." Because Fig. 4 should be included in Species B as argued above and the fact that Claim 5 reads on Fig. 4, then Claim 5 should be included in Species B with Fig. 4 and examined with the other claims of Species B.

Applicants believe that Claims 6, 7, 8 and 35 read on Figs. 1 and 2 and that Claims 9, 10, 11 and 12 read on Figs. 3, 4 and 5. Further, Claim 13 reads on Fig. 6, and Claims 19, 20 and 21 read on Figs. 12 and 13. Therefore, the claims that should be examined because they read on Species B (Fig. 1a and Fig. 4) are as follows: Claims 1-5, 15-18 and 22-34.

Therefore, Applicants respectfully request that the Examiner revise the restriction and perform the examination of revised elected Species B, which now should include Fig. 1a and Fig. 4, and Claims 1-5, 15-18 and 22-34 that read thereon in order to advance the examination of this patent application.

In view of the above election, Applicants respectfully request that Claims 1-5, 15-18 and 22-34 be examined, that they be allowed, and that the application be sent to issue.

Atty. Docket No.: 33922

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If there are any questions, we urge the Examiner to call us. Please charge any cost in connection with this document to our Deposit Account No. 16-0875.

Respectfully submitted,
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